



#4 D.A.C

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:
Glanzman

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SERIAL NO.

S EXAMINER:
S
S GROUP ART UNIT:
S

FILED:

TITLE:

COMMISSIONER OF PATENTS
AND TRADEMARKS
WASHINGTON, D.C. 20231

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SEP 17 2003

OFFICE OF PETITIONS

Petition to Revive Abandoned Application
Under the Provisions of 37 C.F.R. 1.137(b)

Dear Sir:

Applicant respectfully petitions the Commissioner of Patents and Trademarks to revive the above-identified application under the provisions of 37 C.F.R. 1.137 on the ground that the entire delay in responding to a Notice to File Missing Parts was unavoidable, or in the alternative, was unintentional. This petition is supported by the declaration of the Attorney and two staff assistants (Patti Moore and Sandy Bogovich) who are named below and who verify all statements and experiences attributed to them below.

On March 14, 2002, after a protracted delay in receiving any response from the USPTO on the instant application, the undersigned and his then-assistant, Patti Moore, called the O.I.P.E. and spoke with a PTO staff member named Williams. Examiner Williams reported that the application was not abandoned, and no Notice to File Missing Parts had yet issued. Both callers were advised that the application was simply "languishing" (Williams' word), and that we should just wait until something showed up ("some things around here are taking years now days", or words to that effect). It was requested that we be faxed at least a filing receipt, and the same was received and is attached hereto as Exhibit "A" (note the date of the facsimile as verification of the communications with the PTO on such date). Notably, the filing receipt was dated March 14, 2002

(long after, as discussed below, we would later learn that the application was reported as abandoned).

On or about September 5, 2003, both the undersigned and his staff again called O.I.P.E. about the status of the subject application. This time, we were informed that the application had, for failure to file missing parts, been abandoned on January 9, 2001 (15 months before the earlier calls in which we were informed that nothing had happened, there was no abandonment, and we were to do nothing). We were advised to, and immediately did, seek to contact Examiner McDowell to further investigate the conflicting information.

Sandy Bogovich, the undersigned's present assistant, first reached Ms. McDowell on September 9, 2003, and was again advised that the application had been abandoned. During the conversation, the mailing address was confirmed (although we have since been informed that a preferred address, shown below, should be used in our building, because of other mail irregularities), and irregularities in the PTO file were the subject of some comments.

A thorough search of all secretary notes, application files, docketing records (in which Notices to File Missing Parts are noted and docketed for response) reveal that the only PTO communication ever received in connection with the subject application is the faxed filing receipt of March 14, 2002.

Applicant and the undersigned did not fail to act, but upon inquiring of the application's status and any need for action, were told not to act. Had we been informed of the abandonment on August 16, 2002, the appropriate petition and remedial action would immediately have been undertaken.

It is submitted, therefore, that on the basis described above the delay and the entire delay in responding to the Notice to File Missing Parts, and the resulting abandonment should be held to be unavoidable, or in the alternative unintentional. It is requested that a new Notice to File Missing Parts be issued, and the new time be set for response thereto.

The petition fee in the sum required under 37 C.F.R. § 1.17(m) may be charged to the deposit account of the undersigned, Account No. 50-0894.

false statements may jeopardize the validity of the application or any patent issued thereon.



Patti Moore

9/10/03

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Date

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DECLARATION

My name is Sandy Bogovich. I am the IP Administrator for Naman, Howell, Smith & Lee, LLP and undertook the above-referenced file and records search as reported above, and conducted telephone calls and conversations with the O.I.P.E. and Ms. McDowell as reported above. I declare that I have read the statements made in this Petition to Revive and the same are, to my personal knowledge, true and correct, or if made on information and belief, based on reports of Mr. Henry's and Ms. Moore's actions in connection therewith, are believed true and correct, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Sandy Bogovich

9/10/2003

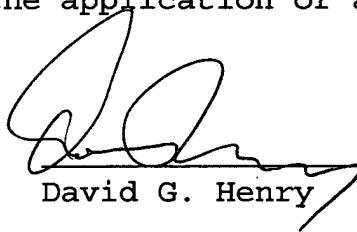
Date

Respectfully submitted,



DECLARATION

My name is David G. Henry, Reg. No. 32,735. I am the Attorney for U.S. Patent Application No. 09/795,791. I declare that I have read the statements made in this Petition to Revive and the same are, to my personal knowledge, true and correct, or if made on information and belief, based are reports by the cited staff members, are believed true and correct, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



David G. Henry

9/14/03

RECEIVED

Date

SEP 17 2003

DECLARATION

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My name is Patti Moore. I was the IP Administrator for Naman, Howell, Smith & Lee, PC (now Naman, Howell, Smith & Lee, LLP), and was then personally responsible for in-take, docketing and file management of the files relating to the above application. I declare that I have read the statements made in this Petition to Revive and the same are, to my personal knowledge, true and correct, or if made on information and belief, based on reports of Mr. Henry's actions in connection therewith, are believed true and correct. Specifically, I declare that I personally participated in the above conversations with Examiner Williams on March 14, 2002, and was directly and expressly told that Mr. Glanzman's application was not abandoned, was "languishing", that no Notice to File Missing Parts had ever yet issued, and that we were to just wait for further PTO action. I further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code, and that such willful



A handwritten signature in black ink, appearing to read "David G. Henry".

David G. Henry, Reg. No. 32,735
900 Washington Ave.
P.O. Box 1470
Waco, Texas 76703-1470
(254) 755-4100
(254) 754-6331 (FAX)
henry@namanhowell.com

CERTIFICATE OF U. S. FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop *PCB 10101* Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22213-1450 on this the 10th day September, 2003.

A handwritten signature in black ink, appearing to read "David G. Henry".

Date: 9/10/03

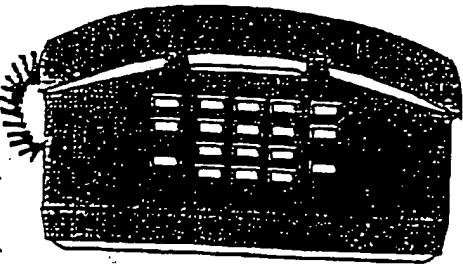
Patent and Trademark Office

Office of Initial Patent Examination (OIPE)
Customer Service

(703) 308-1202 or 1203 Fax (703) 308-7751



Fax

To: Patti MooreFrom: TimFax: 254-755-4100Pages: 3Phone: 254 755-4100Date: 3.14.02

Re:

Office: (OIPE) Customer Service

Urgent Corrected Filing Receipt Replacement Filing Receipt Please Reply

Comments:

Per our conversation on 3/14/02
P

Mr. Williams

703/308-1202

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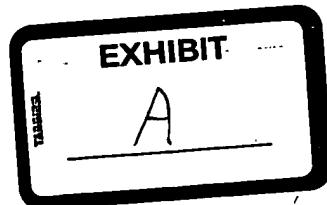
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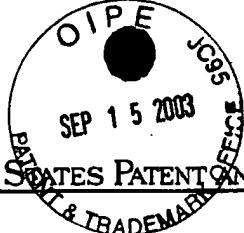
Per Williams c 12:03 pm
3/14/02, appl. not abandoned,
no missing parts was sent, just
wait until further word from PTO.

RECEIVED TIME MAR. 14. 11:14AM

Df

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Patent and Trademark Office
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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 WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/669,234	09/25/2000	3635	0.00	Glanzman-Tent		1	1

CONFIRMATION NO. 4296
REPLACEMENT FILING RECEIPT



'OC000000007643435'

David G Henry
 5th-8th Floors
 900 Washington Ave
 Waco, TX 76702

Date Mailed: 03/14/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

David Glanzman, Residence Not Provided;

Domestic Priority data as claimed by applicant**RECEIVED**

SEP 17 2003

Foreign Applications

OFFICE OF PETITIONS

If Required, Foreign Filing License Granted 11/07/2000

Projected Publication Date: Not Applicable, filed prior to November 29,2000**No Publication Request:** No**Early Publication Request:** No**** SMALL ENTITY ******Title**

Method for leak-proofing seams of synthetic fiber fabric items

Preliminary Class

135

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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